

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Diane Pyles Tanner, RN

License No. R44790

P. O. Box 2178

Amherst MA 01004

CASE PETITION NO. 910904-10-044

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated March 3, 1993. (Department Exhibit 2) The Statement of Charges alleged, in two counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Diane Pyles Tanner (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated March 10, 1993 scheduling a hearing for April 15, 1993. (Department Exhibit 2) The hearing was continued at the Respondent's request and took place on June 30, 1993 in Room 1A of the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Hearing Transcript, June 30, 1993, p. 3) A second request by the Respondent for a continuance of the hearing was denied by the Board. (Board Exhibit 1) (Hearing Transcript, June 30, 1993, pp. 2-4)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Diane Pyles Tanner, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R44790 on August 1, 1989 which has been current since the date of issue. (Department Exhibit 4)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 5 indicates that Notice of Change in Location of Formal Hearing was delivered by certified mail to the Respondent and her attorney. Board Exhibit 1 indicates that the Respondent was aware of the date of the scheduled hearing.
4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, June 30, 1993, p. 6)
5. The Respondent was issued a license to practice as a registered nurse in the State of Texas on March 9, 1981. (Department Exhibit 3)
6. The Respondent was employed as a registered nurse at Seton Medical Center, Austin, Texas from August 29, 1983 to January 19, 1984. The Respondent's employment was terminated due to excessive absences. (Department Exhibit 11)
7. The Respondent was employed as a registered nurse at Southwest General Hospital, San Antonio, Texas from May 2, 1988 to June 9, 1988. The Respondent's employment was terminated due to unprofessional conduct. (Department Exhibit 7)

8. On or about June 30, 1988 the Respondent completed an employment application for Hendrick Medical Center, Abilene, Texas. In the application the Respondent failed to list her employment at Southwest General Hospital and falsely indicated the reason for leaving employment at Seton Medical Center was due to relocation. (Department Exhibit 7)
9. That on November 14, 1990 the Board of Nurse Examiners for the State of Texas, pursuant to a hearing, ordered the revocation of the Respondent's license to practice as a registered nurse in the State of Texas. The order for revocation was based on a finding that the Respondent's conduct of withholding and falsifying information on her employment application with Hendrick Medical Center (FACT 8) was unprofessional or dishonorable conduct which was likely to "deceive, defraud, or injure patients or the public." (Department Exhibit 6)
10. That on May 17, 1991 the Respondent completed an application for licensure as a registered nurse in the State of Arizona. In the application the Respondent failed to indicate she had been licensed in Texas and answered "no" to the question, "Has any disciplinary action, consent order or settlement agreement been imposed or is any action pending on you in any state of jurisdiction?" (Department Exhibit 9)
11. That on September 12, 1991 the Arizona State Board of Nursing ordered that the Respondent be denied a license as a registered nurse in the State of Arizona. The Order of Denial was based on a finding that the Respondent falsified her application for licensure. (Department Exhibit 8)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Diane Pyles Tanner is the holder of a valid registered nurse license in the State of Connecticut.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut Section 4-182(c).

The FIRST COUNT of the Statement of Charges alleges that on or about June 30, 1988 the Respondent filed an application for employment with Hendrick Medical Center, Abilene, Texas, in which she "failed to disclose information that could affect the decision to employ her as a health care provider, by failing to list Southwest General Hospital, San Antonio Texas a previous employer....provided false and deceptive information by documenting that "relocation" was the reason for ceasing employment with Seton Medical Center, Austin, Texas."

The Respondent was not present at the hearing to answer to these charges. (Hearing Transcript, June 30, 1993, p. 6)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

Based on its findings **(FACTS 6-9)** the Board concludes that these charges are proven and that said conduct fails to conform to the accepted standards of the nursing profession. Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges the Respondent applied for licensure as a nurse in the State of Arizona and in doing so she falsified her licensure application by failing to "indicate that she had been licensed in Texas....she stated that she had no past disciplinary actions when she knew or reasonably should have known, that she had been disciplined."

The Respondent was not present at the hearing to answer to these charges. (Hearing Transcript, June 30, 1993, p. 6)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the standards of the nursing profession, which includes "... (1) Fraud or material deception in procuring or attempting to procure a license to practice nursing...."

The Board concludes that the Respondent's conduct as found in FACTS 10 and 11 and as specified in the Second Count, despite being committed outside the State of Connecticut, is conduct which violates the General Statutes of Connecticut Section 20-99(b)(1). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count and the Second Count, the registered nurse license, No. R44790, of the Respondent be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing finds the misconduct regarding the First Count and Second Count is severable and warrants the disciplinary action imposed.

The Respondent, Diane Pyles Tanner, is hereby directed to immediately surrender Registered Nurse License No. R44790 and current registration to the Board of Examiners for Nursing, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

The Board of Examiners for Nursing informs the Respondent, Diane Pyles Tanner, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 23rd day of September, 1993.

BOARD OF EXAMINERS FOR NURSING

By

Jenice Thibodeau

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